

1                               IN THE UNITED STATES DISTRICT COURT  
2                               FOR THE NORTHERN DISTRICT OF CALIFORNIA

3  
4       DIANA JUAN,  
5                               Plaintiff,  
6                               v.  
7       UNIVERSITY OF CALIFORNIA SAN  
8       FRANCISCO, et al.,  
9                               Defendants.

Case No. 16-cv-04934-CW

ORDER TO SHOW CAUSE REGARDING  
SERVICE AND ORDER CONTINUING  
CASE MANAGEMENT CONFERENCE

10  
11       The United States of America ex rel Diana Juan filed the  
12 Complaint in this action under the False Claims Act on August 26,  
13 2016. Plaintiff-Relator filed a First Amended Complaint on  
14 September 20, 2016. Both were initially filed under seal. On  
15 June 26, 3017, the United States having declined to intervene in  
16 this action, the Court unsealed the Complaint and First Amended  
17 Complaint and ordered Plaintiff-Relator to serve Defendants.

18       On August 17, 2017, Plaintiff-Relator filed a notice of  
19 voluntary dismissal without prejudice of Defendant Regents of the  
20 University of California.<sup>1</sup> On August 18, 2017, at Plaintiff-  
21 Relator's request, the Court issued a summons to Defendants Jane  
22 Czech, Jennifer Dearman, John Engstrom, Stephen Hauser, Sam  
23 Hawgood, Scott Andy Josephson, Eileen Kahaner, and David Morgan.  
24 On October 3, 2017, these individual defendants filed a motion to  
25 dismiss, which they noticed for hearing on November 7, 2017.

26  
27       <sup>1</sup> The notice was served electronically on counsel for the  
28 United States. The United States has not objected to the  
dismissal without prejudice of the Regents of the University of  
California.

1 Plaintiff-Relator named University of California San  
2 Francisco (UCSF) as a Defendant, but has not sought issuance of a  
3 summons to UCSF. See Fed. R. Civ. P. 4(b). Plaintiff-Relator  
4 has not dismissed UCSF voluntarily and UCSF has not appeared in  
5 this action. More than ninety days have passed since the Court's  
6 order unsealing the Complaint and the First Amended Complaint.

7 Accordingly, the Court HEREBY ORDERS Plaintiff-Relator, no  
8 later than October 11, 2017, to show cause why the claims against  
9 UCSF should not be dismissed without prejudice pursuant to  
10 Federal Rule of Civil Procedure 4(m). Any party or the United  
11 States may file a response to Plaintiff-Relator's filing no later  
12 than October 17, 2017. By the same date, the United States also  
13 may file any objection to the dismissal without prejudice of the  
14 Regents of the University of California.

15 Additionally, the Court will hear all motions to dismiss  
16 this action on a single date, following a coordinated briefing  
17 schedule. If UCSF is served, or waives service, and intends to  
18 file a motion to dismiss, Plaintiff-Relator shall meet and confer  
19 with all parties and shall promptly propose a coordinated  
20 schedule for the briefing and hearing of all motions to dismiss  
21 and the case management conference.

22 The Court HEREBY CONTINUES the case management conference to  
23 November 7, 2017, at 2:30 p.m. The joint case management  
24 statement is now due October 31, 2017.

25 IT IS SO ORDERED.

26  
27 Dated: October 5, 2017



CLAUDIA WILKEN  
United States District Judge